

USAAV COUNCIL MINUTES

December 11, 2002

Noon - 2:00 p.m., Room 129

State Capitol Building

Present: Bill Afeaki, Randy Bachman, Dan Becker, Lou Callister, Colonel Merrill Carter, Blake Chard, Mike Findeis, Dick Melton, Verne Larsen, Mayor JoAnn Seghini, Harold Morrill,, Anna Kay Waddoups and Sherm Watkins

Staff: Susan Burke and Diane Ngatuvai

Excused: Sen. Chris Buttars, Commissioner Camille Cain, Scott Duncan, Rep. Ty McCartney, Ed McConkie, Kirk Torgensen, Karen Watkins and Ned Searle

I. Welcome and Vice Chairman's Report

Randy Bachman chaired the meeting. He expressed his sadness at the passing of Chair Leon PoVey on Friday, December 6, 2002. Randy outlined some of Leon's tremendous contributions and accomplishments in the field of substance abuse during his many years of service. Leon was a mentor to many and he will be deeply missed. The PoVey family is looking into establishing a memorial fund in Leon's name. The Governor's Office and the Council will be involved in nominating a new Chairman. All suggestions are welcomed by Susan Burke, USAAV Director.

***Motion:** Merrill Carter moved to approve the minutes from the October Council meeting. Harold Morrill seconded the motion which was then unanimously approved.*

II. Edward G. Callister Survey

Lou Callister explained that the Edward G. Callister Foundation commissioned Dan Jones & Associates to conduct a survey of 1,006 Utah residents concerning drug and alcohol misuse. There was discussion about the apparent disconnect between 61% of the respondents identifying substance abuse as a public health issue, however, more than half believing that sanctions were not tough enough. The Callister Foundation would like to do another survey regarding increasing substance abuse education. Lou would like to educate the public to the message that substance abuse is a disease and needs treatment. The survey can be found on www.hopetoday.com. A video overview of the life of Lou Callister's son, Edward, and his battle with substance abuse entitled, "Hope" will be mailed out to interested Council members.

III. SWAP Legislation Presentation

Paul Boyden, Salt Lake District Attorney's Office, Executive Director of the Statewide Association of Prosecutors (SWAP), and Lorenzo Miller, City Prosecutor for Taylorsville, reviewed the draft bill, "DUI Pleas in Abeyance." If a person has been convicted twice of DUI, then the 3rd conviction is a felony. This bill will clarify that a plea in abeyance will be defined as a conviction. Also, auto homicide will count as a prior, it cannot be expunged for ten years. Lorenzo Miller noted that this bill will eliminate loopholes. The real purpose is to see that individuals don't get seconds treated as firsts. Senator Karen Hale will be the sponsor of this bill.

***Motion:** Anna Kay Waddoups made a motion that the Council support this bill. The motion was seconded by Mike Findeis. The motion passed favorably with one abstention vote from Louis Callister.*

IV. USAAV Committee Reports

A. Anti-Violence Committee: Co-chair Sherm Watkins reported the Anti-Violence Committee met just prior to the Council meeting. They went on record to recommend endorsement of the Property Forfeiture Amendments bill. The Nuisance/Drug House brochure recommended by Senator Gene Davis is underway and has a February target date for completion and distribution. The committee members are considering the upcoming State Grant Request for Proposals; Verne Larsen mentioned possible collaboration with education gang grants.

B. Criminal Justice Committee: Susan Burke reported as Chair Kirk Torgensen is in Washington, D.C. The Property Forfeiture Amendments was endorsed by the Law Enforcement Criminal Justice Interim Committee in November with the exception of Senator Hickman. There is approximately \$4 million in federal funding that is being held for Utah until March, 2003. If this bill passes the money will be released to the state. It was noted that Initiative B protects owners, however, the amendment actually streamlines the process making it easier for owners. It will also make notification of interest holders mandatory.

Motion: Colonel Merrill Carter made a motion that the Council endorse this bill. Mayor Seghini seconded the motion which was unanimously approved.

There was a question as to whether the \$4 million from the federal government would be distributed as outlined in this bill. Susan will research this issue.

C. DUI Committee: Anna Kay explained that their committee met on December 3rd. The members recommended the following three bills for endorsement:

- *Vehicle Impound Fee for Driving Under the Influence*: This bill allows a refund of the \$200 DUI impound fee if no administrative action is taken by the Department of Public Safety as a result of the arrest or if the vehicle was stolen. It will increase the current impound fee to cover losses through refunds.
- *DUI Plea Restrictions* (see agenda item III) and;
- *Automobile Homicide Amendments*: This bill will allow individuals to be charged with auto homicide if they have any measurable amount of a Schedule I or II controlled substance in their system unless the substance was ingested involuntarily or was being taken pursuant to a prescription.

Motion: Anna Kay Waddoups made a motion that the Council endorse these three bills. The motion was seconded by Blake Chard. There were questions regarding the Automobile Homicide Amendments. Paul Boyden will be asked to clarify the questions via e-mail. The motion passed favorably with one abstention on the "Automobile Homicide Amendments" bill.

D. Substance Abuse Services Committee: Co-chair Verne Larsen reported that they are studying the treatment before incarceration issue. Susan noted that Rep. Daniels will meet with Senator Buttars this Friday to discuss drug treatment for offenders. Steve Harrison gave an overview on risk protective factors at their last meeting. Verne explained that Prevention Dimensions has revamped its curriculum and 13,000 sets of material will go out to school teachers statewide. This includes a curriculum binder for the teachers, CD's and music songbooks, posters and videos for the children. Verne added that this is something that Leon PoVey had wanted to see done in the 1980's and he would be grateful that it is being accomplished now. Prevention Dimensions is one of 13 programs that was invited to go back to the National Registry of Prevention Programs as one of its "promising programs."

V. Director's Report

■ Susan reported on the Controlled Substances Amendments Bill which details that drug sales are prohibited within 1,000 feet of a house of worship or within 1,000 feet of the grounds. It also distinguishes the highly-abused Schedule I GHB and its analogues, from the FDA-approved GHB by placing approved formulations in Schedule III. *Dan Becker made a motion to support this bill which was seconded by Harold Morrill. The motion was unanimously approved.*

■ There was a question at the last meeting regarding Utah's Initiative Process. The Utah Supreme Court held that the multi-county signature requirement for the citizen initiative law violates the Utah Constitution. Currently a person who wishes to submit an initiative to a vote of the people must obtain signatures equal to 10% of all votes cast in the most recent gubernatorial election; and obtain from each of at least 20 counties signatures equal to 10% of all votes cast in that county in the most recent gubernatorial election. The second of these requirements is the multi-county signature requirement and was held unconstitutional, in violation of the uniform operation of laws provision in the Utah Constitution. Susan reviewed the results from drug-related initiatives across the country.

■ The USA AV Executive Committee will meet weekly in a joint legislative review meeting with CCJJ and other agencies. On-going communication will take place with the Council through phone calls and emails regarding proposed legislation. Council members can also track USA AV-related bills on the CCJJ website.

■ There was discussion regarding what, if any, position the Council should make regarding legalizing marijuana for medical purposes. Governor Leavitt asked that the Council be cautious about how a statement is framed regarding medicinal marijuana. The USA AV Executive Committee felt that it is not necessary at this time to issue an official statement. *Anna Kay Waddoups made a motion that the Council refrain from making a statement at this time. Colonel Merrill Carter seconded the motion. The motion was unanimously approved.*

■ Tracey Tabet of the Attorney General's Office is still working on their training CD on Club Drugs. They have run in to technical difficulties but will have the CD ready within a few weeks.

■ Susan gave a presentation on the CCJJ Website located at www.justice.utah.gov. It now contains a section with an interactive live crime database. There are tools for citizen neighborhood watch information, grants, crime statistics and minutes for every USA AV committee. This resource is available to the public now.

VI. Other Business

Anna Kay reported that Senator Waddoups is still intent on running a bill to increase the beer tax and restore the alcohol fund money that has been eliminated.

The next meeting of the USA AV Council will be held on Wednesday, March 12, 2002 from noon - 2:00 p.m. Lunch will be provided.